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1025 VERMONT AVENUE NW, SUITE 300

WASHINGTON, D.C. 20005

LAMB@SANDLERREIFF.COM

TELEPHONE: (202) 479-1111**FACSIMILE: (202) 479-1115****FACSIMILE****TO:** Arman Tarzi, FEC**FROM:** Jim Lamb**FAX:** 202-501-0693**PAGE:** 3 (incl. cover sheet)**PHONE:****DATE:** 10/21/2013**RE:** DAGA, Inc.**CC:**☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please RecycleFEDERAL ELECTION
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SANDLER, REIFF, YOUNG & LAMB, P.C.

October 21, 2013

By fax to: 202.501.0693

Mr. Arman Tarzi
Campaign Finance Analyst
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: **Democratic Attorneys General Association**

Dear Mr. Tarzi:

I am writing on behalf of Democratic Attorneys General Association in response to your September 16, 2013 letter regarding a contribution DAGA made to Committee for Justice & Fairness PAC in 2012. Your letter states that DAGA's contribution to CIF PAC may qualify DAGA as a Federal political committee.

DAGA is not a Federal "political committee" subject to the registration and reporting requirements of the Federal Election Campaign Act (the "Act"). DAGA is a non-federal political organization with the primary purpose of supporting the election of Democrats to the non-federal office of Attorney General in all of the states and territories of the US. DAGA is properly registered and files disclosure reports with the Internal Revenue Service and several states.

Organizations are only required to register and report to the FEC if they satisfy a two step-process that requires both: (1) making contributions or expenditures of more than \$1,000 and (2) having a "major purpose" of supporting Federal candidates. The U.S. Supreme Court mandated the two-step requirement that only organizations whose "major purpose" is the nomination or election of Federal candidates can be considered "political committees" under the Act.¹ The second requirement is commonly referred to as the major purpose test.

The FEC confirmed that neither Congress, the U.S. Supreme Court, nor any other legislative, regulatory, or judicial action has eliminated the Supreme Court's major purpose test.² The FEC concluded that triggering political committee status required a two-step process:

Pursuant to [the Act] and Supreme Court precedent, the Commission will continue to determine political committee status based on whether an organization (1) received contributions or made expenditures in excess of \$1,000 during a calendar year,

¹ *Buckley v. Valeo*, 540 U.S. 1, 79-80 (1976).

² 2007 Political Committee Status Supplemental Explanation & Justification, 72 Fed. Reg. 5595, at 5597.

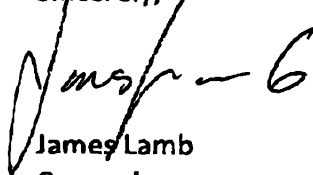
and (2) whether that organization's major purpose was [federal] campaign activity."³

DAGA's primary purpose is to support the election of Democrats to the office of Attorney General in all of the states and territories of the US. In fact, DAGA's 2012 contributions to CJF PAC were made for the purpose of influencing non-federal attorney general races and it is our understanding that these funds were used for non-federal purposes. DAGA's major purpose is not supporting Federal candidates.

In conclusion, organizations are only required to report as political committees under the Act if they meet both requirements: (1) make contributions or expenditures of more than \$1,000 and (2) have a "major purpose" of supporting Federal candidates. Because DAGA did not meet both of the required steps to trigger political committee status it is not a political committee under the Act.

I hope this response clarifies this matter. If you have any further questions, please contact me at your convenience.

Sincerely,



James Lamb
Counsel

Democratic Attorneys General Association

³ 2007 Political Committee Status E & J, 72 Fed. Reg. 5595, at 5606, citing 2 U.S.C. 5431(4)(A); Buckley, 424 U.S. at 79; and, *Massachusetts Citizens for Life, Inc. v. FEC*, 479 U.S. 238, at 252 (1986)

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